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WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON, DC 20006-1021

EXAMINER	
COBANOGLU, DILEK B	
ART UNIT	PAPER NUMBER
3626	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/067,843	IWANO ET AL.	
	Examiner	Art Unit	
	DILEK B. COBANOGLU	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 January 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *2/8/02, 5/3/02*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/31/2008 has been entered.

2. Claims 1, 3-17 remain pending in this application.

Specification

New Matter

3. The amendment filed 1/31/2008 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The newly added recitation of "correspondence between each of the unique identification and patient data including at least a patient name is unrecognizable" within claims 1, 8, and 9 appears to constitute new matter. In particular, Applicant does not point to, nor was the Examiner able to find, any support for a "patient name is unrecognizable" determination and display feature within the specification as originally filed. As such, Applicant is respectfully requested to clarify the above issues and to specifically point out support for the newly added limitations in the originally filed specification and claims.

4. Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1, 8, and 9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The amended claims recite "correspondence between each of the unique identification and patient data including at least a patient name is unrecognizable", which is not described in the Applicant's specification. The Applicant's specification recites "On the other hand, FIG. 11 illustrates an example of structures of the data stored in database files 11h of the medical care provider server 2. Similarly with the data structure of the patient serer 1, the vital data is stored for each of the IDs allocated respectively to particular patient. Patient data is also stored for each of IDs. The patient data includes information for identifying particular patient such as name. It should be noted that the transmission flag in FIG. 11 has same function as that of the transmission flag in FIG. 10." in paragraph 0074.

7. Independent claims 1, 8, and 9 recite limitations that are new matter, as discussed above.

8. Claims 3-7, 10-17 incorporate the deficiencies of independent claims 1, 8, and 9, through dependency, and are also rejected.

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. Claim 1 used to recite "…store and manage the received vital information and unique identifications in said first database such that the vital information **is not** associated with a corresponding unique identification…" in the 6/18/2007 amendment, and now the claim recites "…store and manage the received vital information and unique identifications in said first database such that the vital information **is** associated with a corresponding unique identification…" according to the 1/31/2008 amendment. It's not clear if the vital information **is** or **is not** associated with a corresponding unique identification. According to MPEP 608.01(q) "The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five of fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double

brackets if strike-through cannot be easily perceived." Examiner considers that "the vital information **is** associated with a corresponding unique identification".

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claims 1, 3-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao (6,283,761; hereinafter Joao), in view of Felsher (US 2002/0010679; hereinafter Felsher).

A. As per currently amended claim 1, Joao discloses a medical information system comprising:

i. a patient server comprising a first database, said patient server being operable to receive vital information and unique identifications allocated to patients, store and manage the received vital information and unique identifications in said first database such that the vital information is associated with a corresponding unique identification, and such that correspondence between each of the unique identification and patient data including at least a patient name is unrecognizable, and transmit the stored and managed vital information and unique identifications (Joao: col.

12, lines 50-67; col. 13, lines 38-51; col. 14, lines 49-67; col. 15, lines 1-17; col. 16, lines 38-65; col. 23, lines 48-60; Fig. 1);

ii. a medical care provider server connected to said patient server through a first network, and comprising a second database, said medical care provider server being operable to receive the vital information, and unique identifications from said first database of said patient server through the first network, store and manage the received vital information, and unique identifications, and patient data in said second database, associate each of the unique identifications with corresponding patient data, identify corresponding patient data using each of the unique identifications, and allow the stored and managed vital information, and unique identifications, and patient data to be browsed (Joao: col. 12, lines 50-67; col. 13, lines 1- 7 and 38-51; col. 14, lines 49-67; col. 15, lines 1-17; col. 23, lines 48-60; Fig. 1);

iii. a patient terminal connected to said patient server through a network, said patient terminal being operable to transmit the vital information and unique identifications to said patient server through the network (Joao: col. 12, lines 50-57; col. 13, lines 38-51; col. 14, lines 49-67; col. 15, lines 1-17; col. 23, lines 48-60; Fig. 1); and

iv. a doctor terminal connected to said medical care provider server through a network, said doctor terminal being operable to browse the vital information, and unique identifications, and patient data stored and

managed in the medical care provider server through the network (Joao: col. 12, lines 57-67; col. 13, lines 1-7 and 38-51; col. 14, lines 49-67; col. 15, lines 1-17; col. 23, lines 48-60; Fig. 1).

v. wherein the first network is configured to allow communication between said patient server and said medical care provider server and disallow communication between either said patient terminal or said doctor terminal and either said patient server or said medical care provider server, and disallow communication between said patient terminal and said doctor terminal (Joao: col. 13, lines 42-45; col. 15, lines 54-58; col. 40, lines 51-60),

vi. wherein the second network is configured to allow communication between said patient terminal and said patient server, and disallow communication among said patient server, said medical care provider server, and said doctor terminal (Joao: col. 13, lines 42-45; col. 15, lines 54-58; col. 40, lines 51-60), and

vii. wherein the third network is configured to allow communication between said doctor terminal and said medical care provider server, and disallow communication among said patient server, said medical care provider server, and said patient terminal (Joao: col. 13, lines 42-45; col. 15, lines 54-58; col. 40, lines 51-60).

Joao, however, fails to expressly disclose a medical information system

comprising: second and third networks. Nevertheless, these features are notoriously well known in the art, as evidenced by Felsher.

In particular, Felsher discloses a medical information system according to claim 1, further comprising: second and third networks (Felsher; abstract; Fig. 1).

Examiner also notes, however, that Joao does teach a system having a single computer or system of computers and/or may include a plurality of computers or computer systems (i.e., networks) that are utilized in conjunction with one another (i.e., the systems are networked together) (Joao: col. 13, lines 42-45). As such, Examiner considers a broad yet reasonable interpretation of Joao to also teach Applicant's recitation of multiple networks interconnected within a larger network.

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Felsher with the teachings of Joao with the motivation of providing a secure system for exchanging confidential information (Felsher; abstract).

B. As per previously presented claim 3, Joao discloses a medical information system according to claim 1, further comprising a sensor for measuring vital data, wherein the vital information includes a measurement value by said sensor (Joao: col. 23, lines 47-61).

C. As per currently amended claim 4, Joao discloses a medical information system according to claim 1, wherein:

i. said doctor terminal is operable to transmit, consultation data, an inquiry regarding a health status of a patient to said medical care provider server through the network (Joao: col. 31, lines 65-67; col. 32, lines 1-47; Fig. 1); and

ii. the vital information transmitted from said patient terminal to said patient server through the network includes a reply to the inquiry transmitted to said patient terminal (Joao: col. 31, lines 65-67; col. 32, lines 1-47; Fig. 1).

Joao, however, fails to expressly disclose a medical information system according to claim 1, wherein: the system comprises second and third networks. Nevertheless, these features are notoriously well known in the art, as evidenced by Felsher.

In particular, Felsher discloses a medical information system according to claim 2, wherein: system comprises second and third networks (Felsher; abstract; Fig. 1).

Examiner also notes, however, that Joao does teach a system having a single computer or system of computers and/or may include a plurality of computers or computer systems (i.e., networks) that are utilized in conjunction with one another (i.e., the systems are networked together) (Joao: col. 13, lines 42-45). As such, Examiner considers a broad yet reasonable interpretation of Joao to also teach Applicant's recitation of multiple networks interconnected within a larger network.

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Felsher with the teachings of Joao with the motivation of providing a secure system for exchanging confidential information (Felsher abstract).

D. As per previously presented claim 5, Joao fails to expressly disclose a medical information system according to claim 1, further comprising:

i. a first unauthorized access prevention section provided in the first network.;

ii. a second unauthorized access prevention section provided in the second network;

iii. a third unauthorized access prevention section provided in the third network; and

iv. wherein said first and third unauthorized access prevention sections have higher security levels than a security level of said second unauthorized access prevention section.

Nevertheless, these features are old and well known in the art, as evidenced by Felsher. In particular, Felsher discloses a medical information system according to claim 1, further comprising: a first unauthorized access prevention section provided in the first network (Felsher; ¶ [0197]); a second unauthorized access prevention section provided in the second network (Felsher; ¶ [0197]); a third unauthorized access prevention section provided in the third network (Felsher; ¶

[0197]); and wherein said first and third unauthorized access prevention sections have higher security levels than a security level of said second unauthorized access prevention section (Felsher; ¶ [0197]).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Felsher with the teachings of Joao with the motivation of providing a secure system for exchanging confidential information (Felsher; abstract).

Examiner notes also that Joao teaches the use of various authorization, security and encryption techniques, technologies, and methods (Joao: col. 15, lines 54-58; col. 40, lines 51-60).

E. As per previously presented claim 6, Joao fails to expressly disclose a medical information system according to claim 5, wherein:

i. said first unauthorized access prevention section comprises a firewall and a virtual private network;

ii. said second unauthorized access prevention section comprises a remote access server; and

iii. said third unauthorized access prevention section comprises a terminal authentication server.

Nevertheless, these features are old and well known in the art, as evidenced by Felsher. In particular, Felsher discloses a medical information system according to claim 5, wherein: said first unauthorized access prevention section comprises a firewall and a virtual private

network (Felsher; ¶ [0228]); said second unauthorized access prevention section comprises a remote access server (Felsher; ¶ [0228]); and said third unauthorized access prevention section comprises a terminal authentication server (Felsher; ¶ [0228]).

Examiner notes also that Joao teaches the use of various authorization, security and encryption techniques, technologies, and methods (Joao: col. 15, lines 54-58; col. 40, lines 51-60) and therefore, Joao strongly suggests the aforementioned features above.

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Felsher with the teachings of Joao with the motivation of providing a secure system for exchanging confidential information (Felsher abstract).

F. As per previously presented claim 7, Joao discloses a medical information system according to claim 1, wherein the patient server and said medical care provider server are respectively clustered (Joao: abstract; col. 3, lines 33-53; Fig. 1).

G. Claims 8-17 substantially repeat the same limitations as those of claims 1, 3-7 and therefore, are rejected for the same reasons given for those claims and incorporated herein.

Response to Arguments

14. Applicant's arguments filed 01/31/2008 have been fully considered but they are not persuasive. Applicant's arguments will be addressed below in the order in which they appear.

A. In response to Applicant's argument on page 12, Examiner respectfully submits that Joao teaches the limitations of claim 1 and , 8 and 9 in col. 12, lines 50-67; col. 13, lines 38-51; col. 14, lines 49-67; col. 15, lines 1-17; col. 16, lines 38-65; col. 23, lines 48-60; Fig. 1 col. 13, lines 42-45; col. 15, lines 54-58; col. 40, lines 51-60_col. 13, lines 42-45; col. 15, lines 54-58; col. 40, lines 51-60, col. 13, lines 42-45; col. 15, lines 54-58; col. 40, lines 51-60. Joao teaches that "The central processing computer(s) 10, the provider computer(s) 20, the payer computers(s) 30, the patient computer(s) 40, and the intermediary computer(s) 50, can communicate with one another, and/or be linked to one another, over a communication network, a telecommunication network, a telephone network, a line-connected network, and/or a wireless communication network. Each of the computers 10, 20, 30, 40, and 50, can be linked with any other computer or computers directly or indirectly directly or indirectly with one another so as to facilitate a direct or indirect bidirectional communication said respective computers. " in col. 16, lines 38-65; "The apparatus 100 of the present invention can utilize electronic commerce technologies and security methods, techniques and technologies, in any

and/or all of the instances of data and/or information processing, and/or data and/or information transmission described herein." in col. 15, lines 54-58. Also, in response to applicant's argument, Examiner notes that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

B. On pages 13-14 of the 01/31/2008 response, Applicant argues that Felsher teaches away from Joao, and as such, supports the non-obviousness of the invention and thus, there is no suggestion or reason to make the proposed combination of references.

In response to applicant's argument that there is no suggestion to combine the references, Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071,5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In the instant case, one of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Felsher with the teachings of Joao with the

motivation of providing a secure system for exchanging confidential information

C. Applicant's remaining arguments in the response filed 6/18/07 rely on or re-hash the issues addressed above or in previous Office Actions and therefore, are moot in view of the responses previously given and incorporated herein.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied art teaches a modular microprocessor-based health monitoring system (5,307,263); a patient care and communication system (5,822,544); a secure network and method of establishing communication amongst network devices that have restricted network connectivity (US 2002/0066030); supporting load sharing across multiple network access servers (6,147,987); and supporting authentication across multiple network access servers (6,011,910).
The cited but not applied prior art also includes non-patent literature articles by PR Newswire ("Euclid to Monitor Health Hero Network's Internet Operations" Jan 14, 2002. pg. 1.); Business Wire ("Spacelabs Medical, Inc. Reports First Quarter Results" Apr 27, 1999. pg. 1.); Sutton, Neil ("Hospital offers patients Internet-based access" Aug 2001. Technology in Government. Vol. 8, Iss. 8. pg. 7.); M2 Presswire ("ASG: ASG Technologies debuts in US market; Improves service providers' networks with first network access control & security solution; Passwerks 2.0 provides increased network efficiency, access control and security" Jun 6, 2001. pg. 1.); Russell, Deborah and

Gangemi Sr., G.T. ("Computer Security Basics" Copyright 1991. O'Reilly & Associates, Inc.); and Al-Kaltham, Abdul-Rahman Ibrahim ("Evaluation and Comparison of Internet Firewallso Feb 9, 1998.).

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DILEK B. COBANOGLU whose telephone number is (571)272-8295. The examiner can normally be reached on 8-4:30.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher L. Gilligan can be reached on 571-272-6770. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

18. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. B. C./
Examiner, Art Unit 3626
5/19/2008

/C Luke Gilligan/
Supervisory Patent Examiner, Art Unit 3626